

PLANNING AND ZONING COMMISSION  
STAFF REPORT

April 15, 2010



**Right-of-way Abandonment RA 10-02: request to abandon a portion of  
public alley right-of-way in Block 22 of Phillip's Addition**

**LOCATION:** a 10-foot wide and 200-foot long portion of public right-of-way for an alley located in Block 22 of the Phillip's Addition that extends between South Haswell Drive and South Ennis Street

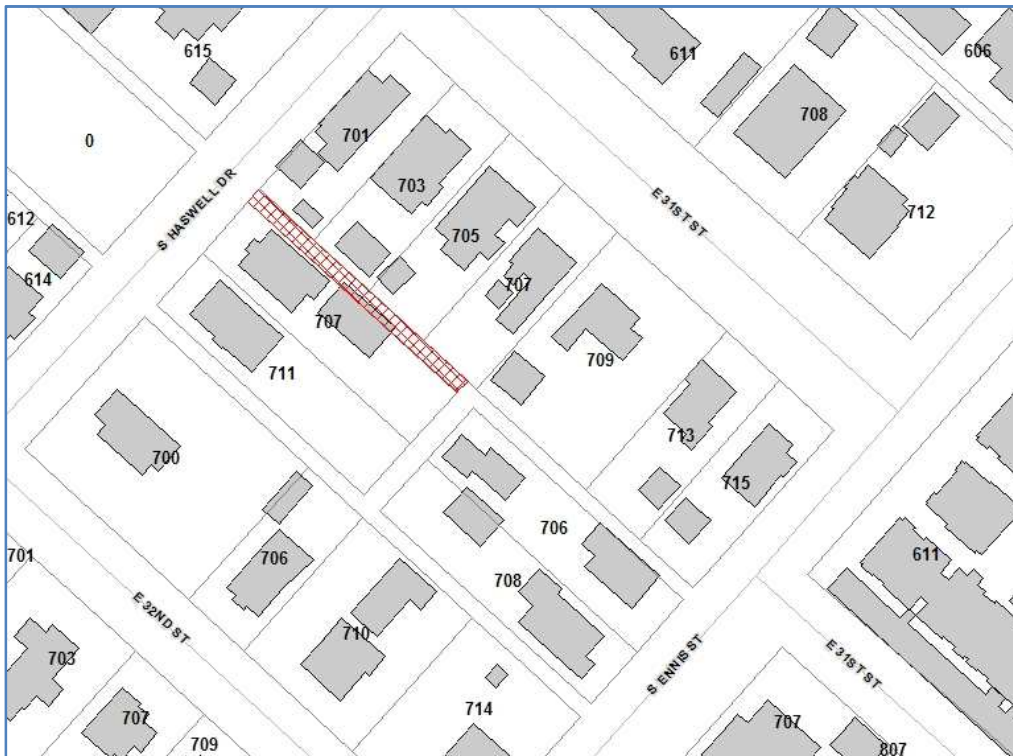
**APPLICANT:** Dan and Linda B. Davison

**ZONING:** Residential District – 5000 (RD-5)

**AGENT:** Carlomagno Surveying, Inc.

**STAFF CONTACT:** Julie Fulgham, Senior Planner

**SUMMARY RECOMMENDATION:** The Site Development Review Committee and staff recommend **denying** the requested right-of-way abandonment.





## RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

The portion of right-of-way requested to be abandoned is approximately 10 feet wide and 200 feet long and extends southeast from South Haswell Drive between East 31<sup>st</sup> and East 32<sup>nd</sup> Streets. Ms. Davison, the applicant, is requesting this abandonment to be able to integrate this land with her ownership of adjoining Lot 12 in Block 22 of the Phillip's Addition, which is addressed as 707 S. Haswell Street.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights-of-way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon rights-of-way after the Site Development Review Committee (SDRC) has reviewed the request and rendered a decision, in accordance with Subdivision Ordinance Section 110-32(d)(3)(b), which specifically requires that partial right-of-way abandonments must "meet the approval of the SDRC".

The SDRC reviewed and formally denied this request for alley abandonment on March 9, 2010, finding that the proposed partial abandonments of this particular alley segment would interfere with existing traffic circulation in this block and eliminate two-way alley access to the rear of multiple properties that front East 31<sup>st</sup> Street and South Ennis Street. A copy of the SDRC's action notification is attached to this staff report.

On her behalf, Ms. Davison's husband submitted an appeal of the SDRC's decision to deny this abandonment request, to the Planning and Zoning Commission (see attached letter). Upon receipt of said appeal, staff notified all owners of property within 200 feet of this alley segment and invited them to the Planning and Zoning Commission's public hearing on the matter on April 15, 2010. Attached to this staff

report are the abandonment request application form, a survey showing the proposed right-of-way to be abandoned, pictures of the alley right-of-way proposed to be abandoned, as well as emails from nearby property owners who are in opposition to the abandonment of this alley segment.

#### **ANALYSIS:**

This 10-foot wide alley right-of-way that is proposed to be abandoned is utilized by several properties in this block that have accessory dwellings (garage apartments) and that were constructed prior to the adoption of zoning in 1989. These historic 'garage apartments' are common within this subdivision. The narrowness of this 10-foot wide alley segment leads staff to believe that the entire alley should remain open to help accommodate access to the structures located on lots that adjoin this alley. Abandoning this alley segment may have negative impacts on the transportation needs of other properties within this block, i.e., those facing S. Ennis and E. 31<sup>st</sup> Street, some of which appear to be utilizing this public right-of-way, as stated in the attached emails from nearby property owners.

During the Site Development Review Committee's review of this request, the City's Water Services Department identified existing public to be within or very near the public right-of-way this alley segment. If this right-of-way were abandoned, then a suitable easement over existing public utility facilities will need to be reserved. Such an easement will help ensure access for repairing and replacing public utilities and help prevent buildings which interfere with access to these utilities.

#### **RECOMMENDATION:**

The Site Development Review Committee and staff still recommend **denying** this request to abandon this partial alley segment. However, if the Planning and Zoning Commission is inclined to recommend to the City Council to approve the requested abandonment, staff urges that any such recommendation for approval be made subject to the condition that a public utility easement be reserved on the entire portion of right-of-way proposed to be abandoned to accommodate existing utility facilities.

Abandoning the subject right-of-way would allow this land to be integrated with adjacent land in the Phillips Addition. However, staff believes that such a rearrangement of land, in this particular case, would not be in the public interest as it appears to serve more than one public purpose.